



International Souris River Board
Minot, North Dakota, United States
June 27, 2023

Meeting Minutes

Board Members in attendance: Bruce Davison, Eric Volkman, Richard Aisaican (virtual), Mark Lee (virtual), Shelly Wepler, David Pattyson, Col. Eric Swenson, Kyle Flanery, David Glatt

Board Member Regrets: Andrea Travnicek, Lisa Lone Fight, Marci Riel

IJC Commissioners: Lance Yohe

IJC Advisors: Mark Gabriel, Rob Caldwell, Jeremy Trombley, Mark Colosimo (virtual), Catherine Lee-Johnston, Jeff Kart (virtual), Genevieve Asselin (virtual)

Support Staff and Participants: Brent Hanson (Co-secretary/United States Geological Survey), Girma Sahlu (Co-secretary/Environment and Climate Change Canada), Brianna Vaagen (Environment and Climate Change Canada), Joel Galloway (United States Geological Survey), Steve Fuller (United States Geological Survey), Ken Bottle (United States Fish and Wildlife Survey), Tim Ma (Environment and Climate Change Canada), Laura Ackerman (North Dakota Department of Water Resources), John Paczkowski (North Dakota Department of Water Resources), Dave Ashley (Souris River Joint Board) Dyan Youpee (Fort Peck Assiniboine & Sioux Tribes), Rebecca Seal-Soileau (United States Army Corps of Engineers), Brian Caruso (United States Fish and Wildlife Survey), Tom Bodine (North Dakota Department of Agriculture), Felicia Minotti (Global Affairs Canada), Dan Jonasson (City of Minot), Wanda McFadyen (Assiniboine River Basin Initiative), Laura Diamond (United States National Weather Service), Allen Schlag (United States National Weather Service), Abby Moore (United States Army Corps of Engineers), Jim Noren (United States Army Corps of Engineers), Michael Swenson (United States Army Corps of Engineers), Pete Wax (North Dakota Department of Environmental Quality)

Virtual attendance: Diana Fred (Environment and Climate Change Canada), Charlotte Suka (US Dept of State), Scott Stackhaus (United States National Weather Service), Jonathan

O'Connell (Unites States Geological Survey), Doug Walker (US Dept of State), Chris Korkowski (North Dakota Department of Water Resources), Curtis Hallborg (Water Security Agency), Gary Williams (United States Fish and Wildlife Service), Neil Fisher (Fisheries and Oceans Canada), Dan Selinger (Environment and Climate Change Canada), Jeff Woodward (Water Security Agency), Scott Jutila (United States Army Corps of Engineers), Ione Quigley (Rosebud Sioux Tribe), Russell Boals (Former Environment and Climate Change Canada), Brett Hultgren (United States Army Corps of Engineers), Nicole Engbert (Environment and Climate Change Canada), Theresa Gant-Gaines (United States Army Corps of Engineers), Tom Pabian (United States Fish and Wildlife Service)

1. Introduction, Opening Remarks

The meeting began at 8:02 am with a land acknowledgement. Attendees were reminded that the meeting will be recorded strictly for the purpose of creating meeting minutes and that the recording will be deleted immediately afterwards. A round of introductions was conducted for those attending in person and virtually.

2. Approval of Agenda

It was clarified that the acceptance of the apportionment calculations will occur under agenda item 9, not item 7b. The acceptance of the apportionment calculation was removed from Agenda item 7b.

Mark Gabriel would like to provide suggestions on the organization of the agenda topics throughout the meeting.

- a) **Motion:** Shelly Wepler motioned to approve the agenda as corrected, seconded by Colonel Swenson. None opposed.

3. Approval of Past Meeting Minutes

- a) **Motion:** Kyle Flannery motioned to approve the meeting minutes from the ISRB Winter Meeting in February 2023, seconded by Colonel Swenson. None opposed.

4. Review of Action Items

The list of action items was read through and discussed. There is a strong desire by members of the Board to attach timelines to all future action items, and to connect all action items to the agenda of the next meeting to ensure that they have either been successfully completed or will continue to be followed up on. In the future, tracking of action items may be done through the SharePoint planner app. A list of the action items and their status can be found in Appendix A.

While going over the action items, Mark Gabriel provided a verbal definition of oversight. It consists of 3 things: facilitation, collaboration, and learning. The lack of clarity regarding the Board's role in oversight of the declaration, approval, or acknowledgement of flood operations is causing issues for the Board. There is frustration felt by some of the members regarding why there is an emphasis on this term now, when the wording has remained unchanged since the 2007 directive. The reasoning is that while the wording of that section has not changed, the new context with the 2022 directive may alter the meaning. The word oversight can be interpreted in many different ways, and it's important that the initial intent of the word choice is agreed upon and followed.

Action: A written definition of oversight (in regards to the Board's oversight responsibilities), as well as the process to recommend changes is desired by the Board, to be provided by the IJC in 2 months.

There was also a brief update on what is being done to reconcile the issues that are keeping Saskatchewan from the ISRB. Meetings have been occurring between the IJC and WSA, and progress is being made, but nothing has been resolved yet. The co-chairs have sent a letter to the IJC. Including this letter, the IJC has received 4 letters for which they will provide a combined response in 2 weeks. It was decided that this action item will be kept to continue encouraging conversations.

5. Review of 2023 Hydrologic Conditions, Summer 2023 Hydrologic Forecast, and Planned Operations

The presentations given to the Board are attached in Appendix B.

- a) Curtis Hallborg (WSA) gave a presentation on the hydrologic conditions in Saskatchewan. The spring forecast predicted a below normal runoff and non-flood operations, as well as a 50/50 apportionment split. A significant snow event at the end of April and a quick late melt resulted in higher than predicted flow volumes which is expected to change the apportionment to a 60/40 split. All the reservoirs in Saskatchewan were filled.
- d) Due to scheduling conflicts, agenda item 4d was discussed next. Mark Lee (MB) gave a presentation on the hydrologic conditions in Manitoba. Similar to Saskatchewan, below normal peaks and volumes were expected in the spring but a quick melt in mid-April resulted in more water than anticipated.
- b) Brent Hanson (USGS) reviewed the annual flows at the three international crossings; they were all currently above the median. Allan Schlag (USNWS) gave an update on the spring flooding conditions. Overall North Dakota had a very robust healthy spring flood season.
- c) Kyle Flanery (USFWS) gave an update on the conditions of the Wildlife Refuges. The pools will be maintained at their summer operating levels, and no issues meeting the 20 cfs obligation to Manitoba are foreseen.

In the future, Mark Gabriel would like to see the hydrologic conditions presentations discussed at a committee and subcommittee level beforehand, then be summarized and brought forward to the Board during the Flow Forecasting Liaison Subcommittee update section.

6. Water Quality Monitoring Update

Pete Wax (NDDEQ) and Diana Fred (ECCC) gave an update on water quality monitoring and the samples taken this year. The presentation slides are attached in Appendix C.

Mark Gabriel would like to see this agenda topic moved to the Aquatic Ecosystem Health Committee update section. He also brought up that if the Board is concerned about any of the exceedances of the border water quality parameters, they can send a letter to the IJC.

~~~ 10 min Break ~~~

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## 7. Committee and Subcommittees Updates

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The presentations given to the Board are attached in Appendix D.

Typically the committees would pass nominations or suggestions for co-chairs to the Board, the Board would pass these nominations to the IJC, and then the Commissionaires would approve the co-chairs. Due to the restructuring of the Board, committees and subcommittees are not yet fully staffed. To ensure transparency and that everyone understands the process, the co-chairs that have been appointed by the IJC will be put to the board for approval. This is to ensure that everything is following due process and that there is agreement across the Board.

- a) **Motion:** Shelley Weppler motioned to approve the appointment of Rebecca Seal-Soileau and put forward Mark Lee's name for co-chair of the Adaptive Management Committee. Seconded by Kyle Flanery. No opposition.

The committee would like to request that the 15-month time frame to develop a work plan begin as of today (June 27<sup>th</sup>)<sup>1</sup>. An ad-hoc group has been meeting over the past couple months and has developed 6 preliminary proposals to bring to the Board to get endorsement to continue developing. They are as follows:

- Developing an Adaptive Management Plan for the Souris River Basin
- Technical Transparency in Apportionment
- ISRB Website Enhancement and hydro-visualization
- Preparing Inputs and Tools Required to Support Climate Change Modelling for Decision Making
- Improving Short-term and Seasonal Forecasting in the Souris River Basin
- Purchasing CoCoRaHS Kits for Indigenous Communities

A short summary of each of the preliminary proposals was given at this time to allow Board members time to reflect before choosing whether to endorse them during Agenda Item 10. It was also clarified that some of these suggested proposals are a request for new funding to continue moving forward work that is currently being performed under the same title.

There was some discussion around the CoCoRaHS initiative. Dr. Adnan Akyuz was suggested as a potential point of contact as a local individual who is involved with CoCoRaHS. It was also brought up that the Canadian Water Resources Association and the

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<sup>1</sup> The IJC did not accept or deny the request during the meeting, but later clarified that they continue to recognize November 17<sup>th</sup> 2022 as the beginning of the 15-month time frame.

Canadian Meteorological Oceanographic Society are working together with CoCoRaHS to deliver engagement workshops with indigenous facilitators in the northern and central parts of Saskatchewan. There is concern regarding whether tribes want or need to be educated with this program. The Board was not directly approached by a tribe regarding this proposal, however there are tribe members on the International Rainy-Lake of the Woods Watershed Board and the Red River Board that have been involved in the development and expressed interest and enthusiasm for this project. The idea for this proposal was first brought up on the Rainy-Lake of the Woods Watershed Board, and there is opportunity to expand it to the Souris as well if that is desired.

There is a strong desire to fully establish the Indigenous Advisory Committee (IAC), define the group's responsibilities and duties, and start organizing meetings. The Board must be willing to learn from the tribes regarding how they manage their resources and incorporate traditional ecological knowledge and oral history into its work. There needs to be reciprocal information sharing and learning from both parties, rather than teaching and educating.

- b) **Motion:** Shelley Wepler motioned to approve the appointment of Laura Ackerman and put forward Tim Ma's name for co-chair of the Natural Flow and Apportionment Committee. Seconded by Colonel Swenson. No opposition.

This committee would also like to request that the 15-month time frame to develop a work plan begin as of today (June 27<sup>th</sup>)<sup>2</sup>. Some discussions around the workplan have occurred, but the details still need to be sorted out and there are points that need to be clarified with the IJC. SharePoint is being utilized to facilitate document sharing, everyone on the Board should have access and be able to read the committee materials if interested. The flow chart for managing requests for interim apportionment determinations and managing requests for delayed releases between ND and SK was drafted and commented on but was not able to be finalized due to restructuring of the Board. The development of the apportionment python script may have implications regarding the management of interim apportionment requests, and some thought will need to be put into how the script will be used while still acknowledging the authority of the Board over apportionment.

**Action: Co-secretaries to follow up with Board members in 2 weeks to confirm that everyone has access to the ISRB SharePoint.**

- c) Michael Swenson has been confirmed by the IJC as the American co-chair of the Flow Forecasting Liaison Subcommittee.

The status of this subcommittee is a contentious issue. The terms of reference states that there must be equal representation, and there are currently no Canadian representatives. Bruce Davison (Board Co-chair) states that currently, WSA is arranging its own meetings with the operators and other agencies, outside of the Board and the IJC. Both co-chairs of the Board

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<sup>2</sup> The IJC did not accept or deny the request during the meeting, but later clarified that they continue to recognize November 17<sup>th</sup> 2022 as the beginning of the 15-month time frame.

have been attending those meetings, and there has been good communication from all parties. This group of people has been consistently meeting and making the required decisions, but it is not being done through the Board. The WSA is the Canadian agency with the responsibility for river flow forecasting and plays the equivalent role of many different agencies in the US. The Province of Saskatchewan has the individuals that have the expertise and the authority for the FFLS but has made the decision not to participate in Board activities. Without the involvement of Saskatchewan, this subcommittee cannot function. The IJC's stance is that the subcommittee is established, it simply isn't populated. Work should continue to be done as an unofficial group outside of the IJC.

Colonel Swenson wishes to state for the record that, in his opinion, WSA has chosen not to show up and do the work. There are meetings going on outside of the Board, but they only cover the bare minimum required for operations, and no further details are discussed. The National Weather Service announced that, as an agency with an interest in sharing forecast data, they've been participating in the FFLS for a long time and will continue to participate in whatever format is most beneficial, regardless of the condition of the Board, to ensure they're meeting their mission to protect life and property. NWS has developed a very strong working relationship with the WSA and is continuing to work closely with them. After the 2011 floods, there was a public perception that the US and Canada did not work closely enough to prevent flooding, and NWS is concerned about that perception taking root again, even though massive improvements have been made in data collection and sharing across agencies for flood forecasting purposes. It was commented that, during the 2011 flood, communication was crucial, and that it is essential that, for both perception and reality, Saskatchewan remains a part of the conversation so that people and agencies are able to react appropriately.

It was clarified that, at the last meeting, the Board approved the membership of the Public Advisory and Outreach Committee. At the last IJC appearances, vacancies and suggested names for the other committees were presented, but no one was officially approved as members. The Board has the authority to populate the committees and does not need IJC approval. Without Saskatchewan participating, it will be a challenge to populate these committees while maintaining national parity or equal representation, as outlined in the terms of reference. It's suggested that the committee co-chairs continue to work with any desired individuals, but in an unofficial capacity until the Board can come to consensus on membership. This will also allow room for Saskatchewan and the IJC to continue conversations to resolve what is keeping the province from the table.

The IJC would like to see the committees populated, even if it is only with US members. They stated that parity is important, but that there is also important business to be done, and that we can't continue sacrificing business for parity. If the only way to get involvement from WSA is by creating a task team, then a potential path forward to achieve parity is to also request that US agencies sit on a task team instead of being committee members.

**Motion:** Colonel Swenson moved to request an amendment to the terms of reference from a requirement of parity to making every effort to achieve parity between the United States and Canada, but if parity is unable to be achieved, the work of the subcommittee may still move forward. This motion would apply to the Flow Forecasting Liaison subcommittee, the Reservoir Operating subcommittee, the Aquatic Ecosystem Health Committee, and the Water Quantity subcommittee.

Dyan Youpee (IAC member) cautions the Board on setting a precedent here for other committees and is concerned that the Board is acting in an exclusionary manner. Both co-chairs also warn the Board that this is a dangerous road to start down, and that these decisions should not be taken lightly. It was suggested to have an executive session with only Board members to discuss this sensitive topic and ensure that all Board members are present to vote. It's also recommended that the Board considers meeting more than twice a year. Whether the motion passes or not, this conversation will be brought up to the IJC.

The motion is seconded by Kyle Flanery. David Pattysen moves to table the motion. Bruce Davison seconds the move to table the motion. It's clarified that co-chairs are not allowed to second motions. Mark Lee seconds the move to table the motion. The motion is put to a vote.

Board members in favor of tabling the motion to amend the references: Bruce Davison, David Pattysen, Mark Lee, Richard Aisaican, David Glatt.

Board members against: Eric Volkman, Colonel Swenson, Kyle Flanery, Shelley Wepler.

The motion is tabled.

~~~ Lunch Break ~~~

After the lunch break, the IJC indicated that the Board does not follow Robert's Rules of Order, and making motions is unnecessary. The Board is meant to operate on consensus. Since the Board is clearly not in consensus on the following issues, these issues will be brought up to the IJC and continue to be discussed:

- Confirming that the Board operates on consensus and checking that the consensus policy is being interpreted correctly.
- The Colonel's motion to amend the terms of reference to bypass parity.
- Reaching an agreement on whether committees can operate without parity.
- Determining whether committee co-chairs can operate alone without their counterpart.

8. Committee and Subcommittees Updates (Continuation)

- d) Public Advisory and Outreach: the committee has had one formal meeting, after the summer they plan to meet again to start looking at the terms of reference.
- a) Indigenous Advisory: Richard Aisaican mentions that it will take time to establish membership for this committee, citing that most First Nations in Canada are preoccupied

with poverty on a day-to-day basis and their priorities are elsewhere. The committee would like to establish what their authority is and their capability for making decisions. There will need to be internal meetings to discuss how the committee would like to move forward. Another potential issue is that some traditional knowledge is proprietary, and the IAC will need to figure out how to report that information if they cannot share certain details. Furthermore, there's a lot of oral history and oral tradition that might not be recorded.

- b) Aquatic Ecosystem and Health: No update occurred.
- c) Water Quantity: No update occurred.
- e) Discussion on populating committee members occurred throughout agenda item 7, Committee and Subcommittees Updates.

10. Adaptive Management (AM) and International Watershed Initiative (IWI) Project Updates and Proposals

This section was removed from the agenda due to time constraints.
The presentations will be given to the Board later.

Action: Schedule a virtual meeting for the Board to receive AM and IWI project update presentations within 2 weeks.

Action: Board members to provide feedback on the adaptive management proposals provided in Agenda Item 7 within a 2-week period.

11. Update on Water Management Projects

- a) Laura Ackerman provided an update on the NAWS project. The schematic presented can be found in Appendix E.
- b) Jeff Woodward provided a verbal update on the Canadian Dams projects and is willing to provide a more detailed presentation at the next Board meeting. The two ongoing projects are the replacement of a railroad trestle bridge immediately downstream of the Grant Devine reservoir spillway that impedes the flow and evaluating options to improve the undersized spillway at Rafferty reservoir. The earliest construction will start on the replacement railway bridge is April 2025.

Regarding the action items from the last meeting, the Rafferty water supply study document is not publicly shareable since it contains information on future scenarios. A summary document is being developed that should be finished by September. The Grant Devine document is also not publicly shareable, but the information can be given in a presentation to the Board at the next meeting.

Action: Jeff Woodward to provide summary document of the Rafferty water supply study in September.

Action: Jeff Woodward to give a presentation on the Canadian Dams projects.

- c) Theresa Gant-Gaines & Garrett Blomstrand provided an update on the Lake Darling PMF and IDF work. Compared to the 1992 study, the Lake Darling inflow hydrograph peak was found to have increased 320% (currently 270,000 cfs compared to 82,300 cfs) and the Lake Darling PMF elevation increased 9.7ft (currently 1616.8 ft compared to 1607.14 ft). This is attributed to changing hydrology and more confidence in the hydraulic models. The presentation slides can be found in Appendix F.
- d) The fish barrier at Dam 357 is old and needs to be replaced. The USFWS would like guidance on the proper channels of communication for notice of construction, as well as whether it will be required to deliver 20 cfs to Manitoba throughout construction. In order to change the 20 cfs requirement, the federal governments will need to be involved. The structure being considered is outside of the 1989 Agreement and would be covered under the Interim Measures. Kyle Flannery is to send a memo to Department of State Global Affairs as the minimum flow requirement to Manitoba must be considered under the Boundary Waters Treaty. Felicia will bring up concerns regarding when the clock starts on notifying the governments of new construction at least one year in advance.

12. Update on Water Quantity Monitoring

There is a plan to perform a joint measurement between USGS and ECCC at the 4 sites that they operate together, which hasn't been done for many years. As part of the regular equipment lifecycle, old ECCC data loggers are being replaced to get ready for the baud rate change from 300 to 1200 that will occur in 2026. The Middleton radiometer at the Roughbark station should be replaced before next year, and a complete upgrade is being planned for the Handsworth evaporation station. The USGS has 2 new gauges available in the Souris basin and a demonstration of the Hydrologic Imagery Visualization and Information System (HIVIS) website was provided, which shows the water conditions of the site at different flowrates.

9. Summer Meeting 'Checks and Decisions'

Laura Ackerman gave an overview presentation on the apportionment approval process and requirements. The presentation slides can be found in Appendix G. Tim Ma explained the May 31st apportionment table.

Motion: Shelley Wepler motioned to accept the apportionment calculations as presented and to approve the 60/40 split. Seconded by Colonel Swenson. No opposition.

Action: Natural Flow and Apportionment Subcommittee to update the decision flow chart and present a draft at the next Board meeting.

13. A Review and Update on Responsibilities as Outlined in the 2022 Directive

This section was removed from the agenda due to time constraints.

14. IJC Updates

The funding deadline for the IJC US section fiscal year 2023 is coming up. It's crucial that the presentations for the ongoing projects are heard soon and proposals are submitted. The deadline to submit proposals to the IJC is August 1st.

There is a new folder on the ISRB SharePoint with IJC suggested documentation. These documents are for the Board's use and may be moved to wherever is appropriate.

The Board co-secretaries are encouraged to keep an up-to-date list of the SharePoint access requirements for all those involved with the Board.

The US section has sent out letters to the previous 4 board members expressing thanks. The Canadian section has also sent out letters.

The next IJC appearances will occur the week of October 16th.

There are still currently 5 commissionaires, the US is in the process of appointing their third representative.

The IJC spatial teams have created interactive maps of the international basins, and boards should anticipate getting asked whether they would like to include the maps on their website.

15. Other Business

None

16. New Business

None

17. 2023 and 2024 Meeting Dates

The next in-person Board meeting will take place on February 27th in Brandon, MB.

The Board will consider having 2 additional virtual Board meetings a year, one in April and one in October.

18. Adjournment

The meeting was adjourned at 5:04 pm.